

REMARKS

Reconsideration and withdrawal of the examiner's objections under 35 U.S.C. §§ 102 and 103 is respectfully requested in view of the following remarks.

35 USC §§ 102 & 103

The examiner has rejected claims 1, 3-7 and 10 under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Bettiol, et al. (WO 00/65015). The examiner asserts the following:

The prior art of Bettiol, et al., teaches methods of improving the color appearance of fabrics (page 13, paragraph 3, lines 1-3) by soaking fabrics in solutions of fabric care compositions (page 50, paragraph 5, lines 1-3) comprising 0.01-50% by weight of the film forming polymer (page 15, paragraph 1, lines 1-2), specifically hydroxyethyl cellulose (page 18, paragraph 5, lines 1-3), and surfactants (page 14, paragraph 2, lines 1-4) which meets the claimed limitations of claim 1, 3, 4 and 7. Bettiol further teaches that the film forming polymers have a degree of substitution from 0.5-3 (page 19, paragraph 1, lines 5-6), which meets the claimed limitations of claims 5 and 6. Bettiol further teaches that the film-forming polymer exhibits a viscosity of at least 10 Cp in a 2% by weight aqueous solution (page 12, paragraph 3, lines 1-2), which meets the claimed limitation of claim 10.

Regarding the claim language "luminance less than 50", as recited in claim 1, the applicant is claiming a method of treating colored fabrics with a wash liquor comprising a hydroxyl C2-C4 alkyl derivative of a beta 1-4 polysaccharide and a surfactant. The claimed luminance value does not contribute to the methods steps and therefore was not given patentable weight.

The examiner further asserts that the teachings of Bettiol, et al., anticipate the material limitations of the instant claims, and in the alternative, it would have been obvious to one of ordinary skill in the art at the time the invention was made to treat colored fabrics with the claimed luminance properties because the Bettiol teaches methods of improving the color

appearance of fabrics by treatment with similar compositions. Applicants respectfully traverse this rejection.

The Examiner has objected to the claim language "luminance less than 50". The Examiner states that the luminance value does not contribute to the method steps and was therefore not given patentable weight. In response, applicants respectfully submit that the term refers to the brightness value on a black-white scale of the coloured fabrics that are treated in the claimed method. The claimed method is directed to treating coloured fabrics of a specific luminance level as is specifically included in the preamble. Furthermore, Luminance is explained in detail on page 6, line 4 – page 7, line 7. Since the luminance values are a claimed measurable property of the fabric substrates it is respectfully submitted that they must be regarded as a feature of the claim.

WO 00/65015 relates to a process of treating a new and/or clean surface, preferably a fabric surface to impart soil release properties thereto (see page 1). WO 00/65015 does not disclose or suggest the treatment of coloured fabrics with a luminance less than 50. Further, WO 00/65015 does not disclose a method which comprises contacting the fabrics with a main wash liquor. Main wash is a term well known to those skilled in the art of laundry treatment methods. This is a distinctive feature in view of WO 00/65015, as this document requires the fabric care composition in the process to be applied 'prior to and/or after the fabric is cleaned' (see page 3 final paragraph – page 4 first paragraph). It is clear that this process is not performed in a main wash liquor. Hence WO 00/65015 does not disclose all of the features of independent claim 1, so claim 1 is not anticipated under § 102(b).

With respect to the § 103 rejection, it has been shown that the process of WO 00/65015 is taught to be performed either on new fabric surfaces, or on fabric surfaces that have been cleaned. That is, the disclosure of WO 00/65015 is directed to a completely different process to the method claimed in claim 1 of the current application. There is no teaching in WO 00/65015 to perform the treatment process in the main wash, in fact WO 00/65015 teaches away from the current claimed invention as the document specifically teaches the application of the composition on only new or cleaned fabric surfaces, and makes no suggestion to apply in a main wash. Therefore independent claim 1 is both novel and unobvious in view of WO 00/65015.

The examiner has rejected claims 2, 8 and 9 under 35 U.S.C. 103(a) as being unpatentable over Lähteenmäki, et al. (WO 99/61479). The examiner asserts the following:

The prior art of Lähteenmäki, et al., teaches methods of laundering fabrics and textiles in washing solutions containing modified cellulose ethers, specifically hydroxyethyl celluloses (page 4, line 11) with molecular weights between 90,000-1,300,000 (page 4, lines 11-12), which meets the claimed limitations of claims 8 and 9, and surfactants (page 5, lines 14-16) to impart anti-fading benefits (page 5, lines 31-34).

Regarding the claim language "luminance less than 50", the applicant is claiming a method of treating colored fabrics with a wash liquor comprising a hydroxyl C2-C4 alkyl derivative of a beta 1-4 polysaccharide and a surfactant. The claimed luminance value does not contribute to the methods steps and therefore was not given patentable weight.

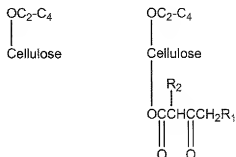
The prior art differs from the claims in that it is silent about the specific color of the fabric and does not teach the claimed concentration of a hydroxyl C2-C4 alkyl derivative of a beta 1-4 polysaccharide.

The examiner further asserts that one of ordinary skill in the art would have been motivated to use the methods taught by Lähteenmäki, et al., to treat fabrics with a luminance less than 50, including black fabrics, because Lähteenmäki teaches methods which provide improved antifading benefits (page 5, paragraph 5, lines 31-35) to the fabrics in general using a similar composition encompassed by the material limitations of the instant claims. Furthermore, it would have been obvious to optimize the concentration of the hydroxyethyl cellulose to 0.1-0.001 g/L to obtain the best results because Lähteenmäki teaches the inclusion of 0.1-5% by weight cellulose based components (page 5, lines 11-13) in detergent compositions which are later diluted in a washing solutions during laundering (page 5, line 31). The resulting wash liquor would be expected to have a similar concentration of hydroxyethyl cellulose. The burden is on the applicant to prove otherwise. Applicants respectfully traverse this rejection.

WO 99/61479 relates to laundry detergent compositions which contain hydrophobically modified cellulose ether polymers (see page 1, lines 4-5). The cellulose ethers of the present invention can be regarded as unmodified cellulose ethers, whereas the cellulose ethers of WO 99/61479 have been modified with a hydrophobic agent. So although the Examiner states in

the office action that the washing solution of WO '479 contains specifically hydroxyethyl celluloses, they are in fact modified with the hydrophobic agent. The hydrophobic agent is disclosed to be an alkylketene dimer (AKD), having the general structure found on the front page of WO 99/61479. All cellulose or cellulose ether species disclosed in WO 99/61479 are modified with this agent, see page 2, lines 15-24 and from page 2, line 30 – page 3, line 13.

As an indication of the difference between the unmodified (left) and modified (right) (with an alkylketene dimer as per the teachings of WO 99/61479) hydroxy C2-C4 alkyl cellulose species, the structures are shown below, with the polysaccharide chain being called 'cellulose' as an abbreviation:



It is clear to one skilled in the art that these are very different chemical species. Hence there is no disclosure or suggestion in WO 99/61479 of a method according to the instant claims when the wash liquor comprises a hydroxy C2-C4 alkyl derivative of a beta 1-4 polysaccharide. The hydrophobically modified cellulose ethers of WO 99/61479 are different from what is claimed in claim 1.

Furthermore, there is no suggestion from the disclosure of WO 99/61479 that a non-hydrophobically modified cellulosic ether species would have advantageous effects for treating coloured fabrics. As such, there could be no motivation for a person skilled in the art to use unmodified cellulosic ethers from the teachings of WO 99/61479. Therefore, claim 1, and its dependent claims are unobvious in view of WO 99/61479.

CONCLUSION

In light of the above remarks, applicants submit that all claims now pending in the present application are in condition for allowance. Reconsideration and allowance of the application is respectfully requested. The examiner is invited to contact the undersigned if there are any questions concerning the case.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Alan A. Bornstein".

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